

Exhibit C



Holly Cole <holly@holcombward.com>

Re: Continuation of FOL 30b6 Deposition

1 message

Holly Cole <holly@holcombward.com>

Tue, Oct 15, 2024 at 5:10 PM

To: "Daniel J. Vedra" <dan@vedralaw.com>

Cc: Paul Rachmuth <paul@paresq.com>, Bryan Ward <bryan.ward@holcombward.com>, "Mr. Aaron Wright" <aaron@holcombward.com>

Dan,

We disagree with your characterizations of the record.

ACLP is not refusing to conduct the deposition on Friday. ACLP neither noticed nor scheduled the continuation of FOL's 30b6 deposition for Friday, October 18. During the meet and confer on this issue, you rejected ACLP's proposal to schedule it on October 9 because you were unavailable and you ignored our two requests whether October 18 was workable. Absent a response from you, Bryan withdrew October 18 and instead proposed October 30. (See email attached). Again, you did not respond. It was only after receiving the Notice of Deposition for October 30, you unilaterally stated "we've made Mr. Bell available Friday" a date that Bryan told you multiple times did not work for him.

On October 8, Bryan wrote to you that we would join a request for an extension of discovery and it was not conditioned on an extension of expert discovery. (See email below).

We will not proceed with a deposition on Friday. We will seek leave from the court to conduct the deposition after October 18.

There is no point in additional back and forth. You've stated your position and we've stated ours.

Holly Cole | Holcomb + Ward, LLP | 404-800-0242



----- Forwarded message -----

From: Bryan Ward <bryan.ward@holcombward.com>

Sent: Tuesday, October 8, 2024 7:29 AM

To: Daniel J. Vedra <dan@vedralaw.com>

Cc: Paul Rachmuth <paul@paresq.com>; Aaron Wright <aaron@holcombward.com>; Holly Cole <holly@holcombward.com>

Subject: RE: FOL v. ACLP et al. -- Letter and Request for Meet and Confer regarding Rule 30(b)(6) deposition of Floyd's of Leadville

With respect to the upcoming discovery deadline, we would join a request for an extension. Just let me know exactly what you would be looking for and how you'd want to adjust expert discovery (or any other affected parts of the schedule) in light of a fact discovery extension. In that vein, let me know if October 18 works for the continuation of the Rule 30(b)(6) deposition of FOL. If we get more time for discovery, I would want to move that deposition because I'll be out of the country on October 18 and am scheduling it then just so we can have it before the end of discovery and other dates haven't worked.

With respect to the privilege issue and FOL's production, we don't have FOL's production of its correspondence with Pete DiChiara's firm, CMD, nor do we have a privilege log. For the reasons raised in my attached September 27 letter, we believe those documents should have been produced.

Thanks,

Bryan M. Ward | Holcomb + Ward | 404-892-5695

From: Daniel J. Vedra <dan@vedralaw.com>

Sent: Monday, October 7, 2024 8:22 PM

To: Bryan Ward <bryan.ward@holcombward.com>

Cc: Paul Rachmuth <paul@paresq.com>; Aaron Wright <aaron@holcombward.com>; Holly Cole <holly@holcombward.com>

Subject: Re: FOL v. ACLP et al. -- Letter and Request for Meet and Confer regarding Rule 30(b)(6) deposition of Floyd's of Leadville

Bryan,

I will check my schedule to find a time to confer, but please consider that I scheduled every deposition in June or July. You did not accept a single one of those dates. I also warned you, quite correctly, that putting these off would cause problems, and you chose to put them off anyways. Also, we haven't taken ACLP's 30(b)(6) because ypu have objected. So let's talk about this considering the full history.

As to privilege, what would you like to confer about woth respect to FOL's production? This is the first you have brought it up in nearly 2 years.

Dan

On Mon, Oct 7, 2024, 6:14 PM Bryan Ward <bryan.ward@holcombward.com> wrote:

I brought up changing the expert discovery deadlines so that they would take place after fact discovery. I think it would make sense to have the expert reports after they have a full set of fact discovery to review. Regardless, if you're looking to push back the discovery deadlines, then it would make sense to push back the expert discovery deadline as well.

That's incorrect about the deposition delays. The only deposition ACLP rescheduled was Floyd Landis. And we asked you to reschedule Greg Hurly due to Hurricane Helene. We had no involvement with rescheduling Messrs. Clapham and Leonard. Most depositions took place as scheduled:

Misiti:

FOL subpoena 7/31

Deposition occurred 7/31

Gazdak:

FOL Am. Notice 8/13

Deposition occurred 8/13

Amato:

FOL Am. Notice 8/20

Deposition occurred 8/20

Guidici Pietro:

FOL Am. Notice 8/21

Deposition occurred 8/21

Gary Grella:

FOL subpoena for 7/11 and then rescheduled to 8/14

Deposition occurred 8/14

Bari Latterman

FOL subpoena/Am. Notice for 7/26

On 7/10, you chose not to depose her on 7/26 and to reschedule

Depo occurred on 8/29

Alex Merle-Huet

Subpoena for 9/4

Depo occurred on 9/4

Chris Ryan

Subpoena for 9/6

Depo occurred on 9/6

FOL 30b6

You chose the date

With respect to the document deficiencies, we need either a meet and confer, as requested, or a set deadline for production that works for both parties. The end of discovery is next week, so, unfortunately, we don't have a lot of time to work with.

With respect to privilege, we need to have a meet and confer. We seem to be at loggerheads, so this will be helpful to either resolve the issue or take it to the judge.

As for the continuation of our Rule 30(b)(6) deposition of FOL, how about October 18?

Thanks,

Bryan M. Ward | Holcomb + Ward | 404-892-5695

From: Daniel J. Vedra <dan@vedralaw.com>

Sent: Monday, October 7, 2024 6:03 PM

To: bryan.ward@holcombward.com

Cc: Paul Rachmuth <paul@paresq.com>; Aaron Wright <aaron@holcombward.com>; Holly Cole <holly@holcombward.com>

Subject: RE: FOL v. ACLP et al. -- Letter and Request for Meet and Confer regarding Rule 30(b)(6) deposition of Floyd's of Leadville

What does the fact discovery deadline have to do with expert? I'm trying to get depositions done here, and the defendants have delayed or rescheduled *every single deposition*.

On document production, my client has not yet been able to go through the many deficiencies that you have alleged. So it would be helpful to have the conversation after my client has had a chance to review. On privilege, I've made a proposal to you on that, and you just said no without making a counter. I'll note, however, that you agreed to a date for the ACLP 30(b)(6), which seems to indicate that you know that the Court is not going to deny us an opportunity to depose your client. Seems like we should be able to work this out without the Court, but if you think that die is cast, I guess we'll just wait for the Court's order.



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From: bryan.ward@holcombward.com <bryan.ward@holcombward.com>

Sent: Monday, October 7, 2024 8:08 AM

To: 'Daniel J. Vedra' <dan@vedralaw.com>

Cc: 'Paul Rachmuth' <paul@paresq.com>; Aaron Wright <aaron@holcombward.com>; Holly Cole <holly@holcombward.com>

Subject: RE: FOL v. ACLP et al. -- Letter and Request for Meet and Confer regarding Rule 30(b)(6) deposition of Floyd's of Leadville

Dan, please let me know about the potential extensions below, and, Paul, please let us know if you concur. With the deadline for discovery coming up next week, we'll want to move quickly if we're going to go to the court.

Also, Dan, please let me know when you are available to meet and confer regarding (1) the document deficiencies that we've written you about; and (2) FOL's assertion of privilege over its communications with CMD, both for its own production and the document subpoena to CMD's successor firm. I'll propose 1:00 Mountain (3:00 Eastern) tomorrow, but I have other availability if that doesn't work. Thanks,

Bryan M. Ward | Holcomb + Ward | 404-892-5695

From: Daniel J. Vedra <dan@vedralaw.com>

Sent: Friday, October 4, 2024 6:08 PM

To: Bryan Ward <bryan.ward@holcombward.com>

Cc: Paul Rachmuth <paul@paresq.com>; Aaron Wright <aaron@holcombward.com>; Holly Cole <holly@holcombward.com>

Subject: Re: FOL v. ACLP et al. -- Letter and Request for Meet and Confer regarding Rule 30(b)(6) deposition of Floyd's of Leadville

I can't do the 9th. I'll check with my client on the other proposals.

On Fri, Oct 4, 2024, 3:47 PM Bryan Ward <bryan.ward@holcombward.com> wrote:

Since we can't guarantee an extension of discovery, I'd propose October 9 for the continued 30(b)(6) deposition of FOL, which we would push back if we get more time for discovery.

We don't have an issue with pushing back discovery by a month, including expert discovery. I would also propose pushing back the Rule 26 expert disclosures as well. I think it makes sense to have those disclosures after the close of fact discovery and so would propose allowing plaintiff until 2 weeks after the close of fact discovery for any supplement to its Rule 26 disclosure and defendants 30 days later for their Rule 26 disclosures. If that makes sense, we could calendar that out for a joint proposal to be filed with the court on Monday.

Bryan M. Ward | Holcomb + Ward | 404-892-5695

From: Daniel Vedra <dan@vedralaw.com>

Sent: Friday, October 4, 2024 5:32 PM

To: Bryan Ward <bryan.ward@holcombward.com>

Cc: Paul Rachmuth <paul@paresq.com>; Aaron Wright <aaron@holcombward.com>; Holly Cole <holly@holcombward.com>

Subject: RE: FOL v. ACLP et al. -- Letter and Request for Meet and Confer regarding Rule 30(b)(6) deposition of Floyd's of Leadville

I'll have to get some dates from my client. What works for guys?

Does anyone have a problem extending discovery by a month?

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From: Bryan Ward <bryan.ward@holcombward.com>

Sent: Friday, October 4, 2024 3:28 PM

To: Daniel Vedra <dan@vedralaw.com>

Cc: Paul Rachmuth <paul@paresq.com>; Aaron Wright <aaron@holcombward.com>; Holly Cole <holly@holcombward.com>

Subject: RE: FOL v. ACLP et al. -- Letter and Request for Meet and Confer regarding Rule 30(b)(6) deposition of Floyd's of Leadville

Okay. No need to meet unless you want to discuss extension of discovery. When are you available for the deposition?

Bryan M. Ward | Holcomb + Ward | 404-892-5695

From: Daniel Vedra <dan@vedralaw.com>

Sent: Friday, October 4, 2024 5:21 PM

To: Bryan Ward <bryan.ward@holcombward.com>

Cc: Paul Rachmuth <paul@paresq.com>; Aaron Wright <aaron@holcombward.com>; Holly Cole <holly@holcombward.com>

Subject: RE: FOL v. ACLP et al. -- Letter and Request for Meet and Confer regarding Rule 30(b)(6) deposition of Floyd's of Leadville

Ok we agree.

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From: Bryan Ward <bryan.ward@holcombward.com>

Sent: Friday, October 4, 2024 3:04 PM

To: Daniel J. Vedra <dan@vedralaw.com>

Cc: Paul Rachmuth <paul@paresq.com>; Aaron Wright <aaron@holcombward.com>; Holly Cole <holly@holcombward.com>

Subject: RE: FOL v. ACLP et al. -- Letter and Request for Meet and Confer regarding Rule 30(b)(6) deposition of Floyd's of Leadville

Assuming your witness answers the questions without filibustering this time, we could get it done in 3 hours. If not, it would take longer.

Bryan M. Ward | Holcomb + Ward | 404-892-5695

From: Daniel J. Vedra <dan@vedralaw.com>

Sent: Friday, October 4, 2024 4:52 PM

To: Bryan Ward <bryan.ward@holcombward.com>

Cc: Paul Rachmuth <paul@paresq.com>; Aaron Wright <aaron@holcombward.com>; Holly Cole <holly@holcombward.com>

Subject: Re: FOL v. ACLP et al. -- Letter and Request for Meet and Confer regarding Rule 30(b)(6) deposition of Floyd's of Leadville

How much time?

On Fri, Oct 4, 2024, 2:46 PM Bryan Ward <bryan.ward@holcombward.com> wrote:

For the 30(b)(6) topics, we'd be willing to drop Topics 5, 7, 8, 10, and 13. We'd need testimony on Topics 1 – 4, 6, 9, 11, 12, and 14 -17.

Bryan M. Ward | Holcomb + Ward | 404-892-5695

From: Daniel Vedra <dan@vedralaw.com>

Sent: Friday, October 4, 2024 4:30 PM

To: Bryan Ward <bryan.ward@holcombward.com>

Cc: Paul Rachmuth <paul@paresq.com>; Aaron Wright <aaron@holcombward.com>; Holly Cole <holly@holcombward.com>

Subject: RE: FOL v. ACLP et al. -- Letter and Request for Meet and Confer regarding Rule 30(b)(6) deposition of Floyd's of Leadville

Bryan:

The only thing that I was prepared to talk about was the 30(b)(6), and all I want to know is what you feel you need to cover in an additional deposition. It seems like you're not prepared to talk about the one thing that we were certain we were going to talk about. If you get me that answer, right now, we can avoid this entire conversation because I will get you an immediate answer.

I am not prepared to talk about the topics you now want to discuss and I don't have the time. I have the time and ability to talk about the 30(b)(6) topics that you're seeking more time on, and if you get me that information, I'll get you an answer immediately.

I'm available at 3:30 and can talk then, but don't want to take time out of your weekend if you can just get me an answer to the question above.

Dan

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From: Bryan Ward <bryan.ward@holcombward.com>

Sent: Friday, October 4, 2024 2:23 PM

To: Daniel Vedra <dan@vedralaw.com>

Cc: Paul Rachmuth <paul@paresq.com>; Aaron Wright <aaron@holcombward.com>; Holly Cole <holly@holcombward.com>

Subject: RE: FOL v. ACLP et al. -- Letter and Request for Meet and Confer regarding Rule 30(b)(6) deposition of Floyd's of Leadville

I'll get back to you on the 30(b)(6) topics. As for the other topics, my intention isn't to meet and confer just prior to going to the court. I just want to continue, by phone, discussions that we've already been having by email. Maybe we'll make more progress by phone.

What time can you have a call: 3:00 or 3:30 Mountain?

Bryan M. Ward | Holcomb + Ward | 404-892-5695

From: Daniel Vedra <dan@vedralaw.com>

Sent: Friday, October 4, 2024 4:04 PM

To: Bryan Ward <bryan.ward@holcombward.com>

Cc: Paul Rachmuth <paul@paresq.com>; Aaron Wright <aaron@holcombward.com>; Holly Cole <holly@holcombward.com>

Subject: RE: FOL v. ACLP et al. -- Letter and Request for Meet and Confer regarding Rule 30(b)(6) deposition of Floyd's of Leadville

Bryan:

I was asking what 30(b)(6) topics you would need to cover. This is the first that you've stated that you need to confer on the alleged document deficiencies and privilege. Since I was not expecting to have to discuss those topics with you, I won't be discussing them and blindsided by this last-minute request.

Let me know what 30(b)(6) topics you need to cover in an additional deposition, and I'll tell if you we can do that.

Dan

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From: Bryan Ward <bryan.ward@holcombward.com>

Sent: Friday, October 4, 2024 1:56 PM

To: Daniel Vedra <dan@vedralaw.com>

Cc: Paul Rachmuth <paul@paresq.com>; Aaron Wright <aaron@holcombward.com>; Holly Cole <holly@holcombward.com>

Subject: RE: FOL v. ACLP et al. -- Letter and Request for Meet and Confer regarding Rule 30(b)(6) deposition of Floyd's of Leadville

We're still available at 3:30 Mountain but, if we could push it up to 3:00 Mountain, that would be helpful. I have a 6:00 call (4:00 Mountain), so a 3:00 start would give us some more time to talk. Just let us know if that works. We can call 404-566-9907.

As for topics, we want to cover (1) ACLP Defendants' request to continue the Rule 30(b)(6) deposition of Floyd's of Leadville. In addition, we'd like to discuss (2) the document deficiencies that we've written you about and set a timeline for resolving them; (3) FOL's assertion of privilege over its communications with CMD, both for its own production and the document subpoena to CMD's successor firm; and (4) timing of discovery, as you've noted below.

Bryan M. Ward | Holcomb + Ward | 404-892-5695

From: Daniel Vedra <dan@vedralaw.com>

Sent: Friday, October 4, 2024 3:07 PM

To: Bryan Ward <bryan.ward@holcombward.com>

Cc: Paul Rachmuth <paul@paresq.com>; Aaron Wright <aaron@holcombward.com>; Holly Cole <holly@holcombward.com>

Subject: RE: FOL v. ACLP et al. -- Letter and Request for Meet and Confer regarding Rule 30(b)(6) deposition of Floyd's of Leadville

Can you just tell me what topics you need to cover and when you're available?

Also, we are going to need more time on discovery.

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From: Bryan Ward <bryan.ward@holcombward.com>

Sent: Thursday, October 3, 2024 3:18 PM

To: Daniel J. Vedra <dan@vedralaw.com>

Cc: Paul Rachmuth <paul@paresq.com>; Aaron Wright <aaron@holcombward.com>; Holly Cole <holly@holcombward.com>

Subject: RE: FOL v. ACLP et al. -- Letter and Request for Meet and Confer regarding Rule 30(b)(6) deposition of Floyd's of Leadville

We can talk tomorrow at 3:30 MT. Since that's 5:30 pm our time on a Friday, are you available anytime earlier?

Bryan M. Ward | Holcomb + Ward | 404-892-5695

From: Daniel J. Vedra <dan@vedralaw.com>

Sent: Thursday, October 3, 2024 4:12 PM

To: Bryan Ward <bryan.ward@holcombward.com>

Cc: Paul Rachmuth <paul@paresq.com>; Aaron Wright <aaron@holcombward.com>; Holly Cole <holly@holcombward.com>

Subject: RE: FOL v. ACLP et al. -- Letter and Request for Meet and Confer regarding Rule 30(b)(6) deposition of Floyd's of Leadville

I am available tomorrow at 3:30 MT.

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From: Bryan Ward <bryan.ward@holcombward.com>

Sent: Wednesday, October 2, 2024 11:46 AM

To: Daniel J. Vedra <dan@vedralaw.com>

Cc: Paul Rachmuth <paul@paresq.com>; Aaron Wright <aaron@holcombward.com>; Holly Cole <holly@holcombward.com>

Subject: FOL v. ACLP et al. -- Letter and Request for Meet and Confer regarding Rule 30(b)(6) deposition of Floyd's of Leadville

Dan,

Please see the attached correspondence relating to ACLP Defendants' request to continue the Rule 30(b)(6) deposition of Floyd's of Leadville.

Bryan M. Ward

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Atlanta, Georgia 30326

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Holly Cole | Holcomb + Ward, LLP | 404-800-0242



On Tue, Oct 15, 2024 at 3:53 PM Daniel J. Vedra <dan@vedralaw.com> wrote:

Holly,

ACLP has an opportunity to do the deposition on Friday, and that is within the discovery window. FOL is not determining who the examiner is. ACLP's only objection to doing the deposition this Friday, during the fact discovery period, is that Bryan Ward is going on vacation. FOL has waived any obligation for only one attorney to conduct the deposition, so the only legal impediment is gone. If there are other circumstances that ACLP believes justify asking the court to permit ACLP to conduct the deposition outside of the discovery window, when ACLP has the ability to do the deposition during the discovery window, we will listen to them. But at present, this appears to be a preference of ACLP's, not a requirement. ACLP has the ability to conduct the deposition and is refusing.

ACLP has not agreed to an extension of fact discovery. You agreed to continue all discovery, which we did not agree to. We did not agree to extend expert discovery.

I notified you earlier today that Mr. Bell will sit for his deposition on Friday. It was the e-mail where I mistakenly thought ACLP had scheduled the deposition within the discovery window instead of outside of it.

As to depositions that were scheduled but continued due to ACLP, I submit that both the 30(b)(6) of ACLP was delayed due to ACLP. ACLP filed a motion for protective order (and another after scheduling the

deposition a second time) and that has not been resolved. ACLP also stated that it was going to depose Frank DiMartini and then didn't. I was unable to serve him timely.

The other depositions are similar. Mark Leonard had his deposition continued and Hurley filed a motion to quash after FOL agreed to all of his demands.

Dan



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From: Holly Cole <holly@holcombward.com>

Sent: Tuesday, October 15, 2024 1:38 PM

To: Daniel J. Vedra <dan@vedralaw.com>

Cc: Paul Rachmuth <paul@paresq.com>; Bryan Ward <bryan.ward@holcombward.com>; Mr. Aaron Wright <aaron@holcombward.com>

Subject: Re: Continuation of FOL 30b6 Deposition

Dan,

We will not be proceeding with the deposition on Friday. It is not your prerogative to determine who is the examiner. We did not anticipate having to do a followup 30b6 deposition and under the circumstances we will ask the Court for leave to conduct the deposition.

You've also mentioned more than once that you would need an extension of discovery to which we've agreed.

Please identify the communication wherein you stated you would make Mr. Bell available on Friday.

Other than the continuation of the FOL 30b6, please identify what depositions you contend were scheduled by ACLP within the fact discovery schedule that we've subsequently asked to do outside the window.

Holly Cole | Holcomb + Ward, LLP | 404-800-0242



On Tue, Oct 15, 2024 at 3:09 PM Daniel J. Vedra <dan@vedralaw.com> wrote:

Holly,

No. We've made Mr. Bell available on Friday. And we consent to another examiner taking over the deposition.

I'll note for the record this is the second time that ACLP has scheduled a deposition during the time for fact discovery and then asked to do it outside of the window.

This is made without prejudice to our forthcoming request to seek depositions of ACLP, Hurley, Leonard, and DiMartini after the discovery window. In each of these circumstances, the depositions have been delayed through no fault of FoL and notwithstanding FoL's willingness to limit the questioning consistent with the objections raised by the witnesses.

Dan



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Office: (303) 937-6540
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From: Holly Cole <holly@holcombward.com>

Sent: Tuesday, October 15, 2024 12:53 PM

To: Daniel J. Vedra <dan@vedralaw.com>; Paul Rachmuth <paul@paresq.com>; Bryan Ward <bryan.ward@holcombward.com>; Mr. Aaron Wright <aaron@holcombward.com>

Subject: Re: Continuation of FOL 30b6 Deposition

Dan,

Please confirm whether you consent to scheduling the continuation of the FOL 30b6 deposition on October 30 outside of the deadline for fact discovery.

Thanks,

Holly Cole | Holcomb + Ward, LLP | 404-800-0242



On Mon, Oct 14, 2024 at 1:26 PM Holly Cole <holly@holcombward.com> wrote:

See the attached Notice of Deposition for the continuation of FOL's 30b6 deposition on October 30, 2024 at 11:00AM eastern.

Holly Cole
Holcomb + Ward, LLP



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Atlanta, Georgia 30326

404-601-2803 (Main)

404-800-0242 (Direct)

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2 attachments



VEDRA LAW LLC image001.png
7K



10.11.2024 Ward to Vedra __ Pending items from Meet and Confer.pdf
165K